

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00

DODE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01 CAB-02

COME-00 L-03 H-02 IO-11 JUSE-00 /079 W

----- 002741

R 251956Z FEB 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 8178

INFO DOT WASHDC

FAA WASHDC

FAA BRUSSELS

AMEMBASSY LONDON

AMCONSUL BORDEAUX

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E. O. 11652: N/A

TAGS: EAIR, FR, UK, US

SUBJ: CIVAIR: CONCORDE

1. SUMMARY--SECSTATE OF TRANSPORTATION CAVAILLE HAS ANNOUNCED FRANCE WILL FIGHT NEW YORK LEGISLATURE BAN ON CONCORDE IN COURTS ON GROUNDS OF UNCONSTITUTIONALITY, AND IF NEED BE WILL MAKE DIPLOMATIC ISSUE OF IT. PRESS CHIDES CAVAILLE FOR HIS OUTBURST. CAVAILLE STATEMENT AND NEW YORK DEVELOPMENTS WERE FOCUS OF INTEREST AT EMBASSY PRESS CONFERENCE ON CONCORDE FEB. 24. CAVAILLE STATEMENT AND OTHER ADVERSE REACTION TO NEW YORK DEVELOPMENTS ARE NOT SURPRISING AFTER SHORT-LIVED EUPHORIA GENERATED BY COLEMAN DECISION. END SUMMARY.

2. AFP REPORTED FEB. 24 STATEMENT MADE EARLIER IN THE DAY ON FRENCH RADIO BY SECSTATE OF TRANSPORTATION CAVAILLE REACTING SHARPLY TO VOTE IN NEW YORK LEGISLATURE THAT WOULD BAN CONCORDE FLIGHTS TO JFK.

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CAVAILLE SAID, "WE, THAT IS, AIR FRANCE AND

BRITISH AIRWAYS, WILL ATTACK THIS IN THE COURTS"  
ON THE GROUNDS NEW YORK ACTION IS UNCONSTITUTIONAL.  
PROPOSAL FOR REDUCTION OF PERMISSIBLE NOISE LEVEL AT  
JFK TO 108 DECIBELS WAS DISCRIMINATORY, HE SAID,  
IN THAT OLDER, NOISY SUBSONIC JETS COULD STILL LAND  
AT JFK BUT CONCORDE WOULD BE REFUSED THE SAME  
RIGHTS. HE SAID THAT FOR TIME BEING ACTION WOULD BE  
RESTRICTED TO THE COURTS "AND WE WILL SEE LATER IF  
IT IS NECESSARY TO MAKE A DIPLOMATIC ISSUE OF THE  
AFFAIR." CAVAILLE REMARKS WERE ALSO PROMINENTLY  
FEATURED ON FEB. 25 AM NEWSCASTS REPORTING  
GOV. CAREY'S ANNOUNCEMENT HE WILL SIGN BILL VOTED BY  
NEW YORK LEGISLATURE.

3. SAME AFP REPORT CITES "FRENCH AERONAUTICAL  
CIRCLES" AS STATING THAT NEW YORK LAW WOULD BE IN  
VIOLATION OF THOSE PROVISIONS OF US CONSTITUTION  
VESTING POWERS IN CERTAIN AREAS TO THE FEDERAL  
GOVERNMENT, WITH AREA IN QUESTION IN THIS CASE  
BEING UTILIZATION OF AIR SPACE.

4. LE FIGARO OF FEB. 25 SUPPLEMENTS FACTUAL REPORT  
OF CAVAILLE REMARKS WITH BRIEF COMMENTARY CHIDING  
CAVAILLE FOR BEING SO BOLD AS TO PRETEND TO RULE ON  
WHETHER A US DOMESTIC MEASURE IS CONTRARY OR NOT TO  
THE US CONSTITUTION. LE FIGARO SUGGESTS THAT UNTIL  
US COURTS THEMSELVES PRONOUNCE ON SUCH MATTERS "IT  
WOULD BE BETTER TO ABSTAIN FROM EXCESSIVE LANGUAGE  
THAT CAN ONLY POISON THE DEBATE." LE MONDE ISSUE  
ON SALE AFTERNOON FEB. 25 ALSO TAKES CAVAILLE TO  
TASK FOR SIMILAR REASON: "MR. CAVAILLE'S INTENTION  
IS PERHAPS TO APPLY PRESSURE TO THE LOCAL AUTHORITIES  
TO BRING THEM AROUND TO KINDER SENTIMENTS. HIS  
INTERVENTION RUNS THE RISK, ON THE CONTRARY, OF  
EXACERBATING THEIR NATIONALISM. AT THE VERY LEAST,  
IT IS MALADROIT TO PRETEND TO TEACH THE AMERICANS  
HOW TO READ THEIR OWN CONSTITUTION. AND, FINALLY,  
THE STATE SECRETARY SEEMS TO BE IGNORANT OF THE FACT  
THAT ON THE OTHER SIDE OF THE ATLANTIC THE FEDERATED  
STATES HAVE AN AUTONOMY QUITE DIFFERENT FROM THAT OF  
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FRENCH REGIONS."

5. CAVAILLE STATEMENT AND OUTLOOK FOR CONCORDE  
LANDING RIGHTS IN LIGHT OF LATEST NEW YORK DEVELOP-  
MENTS WERE TOPICS ON WHICH INTEREST OBVIOUSLY FOCUSED  
AT PRESS CONFERENCE EMBASSY HAD SCHEDULED LATE  
AFTERNOON FEB. 24 FOR RELEASE OF OUR FRENCH TRANSLATION  
OF COLEMAN DECISION ON CONCORDE. WHEN ASKED AT

OUTSET TO COMMENT ON CAVAILLE STATEMENT, RCAA SAID  
THAT MANNER IN WHICH GOF AND/OR AIR FRANCE MIGHT  
CHOOSE REACT TO DEVELOPMENTS IN NEW YORK LEGISLATURE  
WERE OF COURSE MATTERS FOR THEIR OWN DECISION.  
HOWEVER, HE SUGGESTED IT WAS PREMATURE TO SPECULATE  
ON COUNTER-REACTION SO LONG AS PROCEDURE WAS AT A  
STILL EARLY STAGE AND NEW JERSEY AUTHORITIES, FOR

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EXAMPLE, WERE YET TO BE HEARD FROM. NO FINAL DECISION  
HAD YET BEEN TAKEN AND HENCE OUTCOME COULD NOT BE  
PREJUDGED.

6. PRIOR TO PRESS CONFERENCE WE HAD CONTACTED PARIS  
OFFICE OF ROGERS AND WELLS, US LAW FIRM THAT HAS BEEN  
RETAINED BY AIR FRANCE FOR CONCORDE LITIGATION. WE  
WERE TOLD IN CONFIDENCE THAT ROGERS AND WELLS  
WAS RECOMMENDING TO AIR FRANCE THAT THEY CONSIDER

CONTESTING IN THE COURTS ANY REVISED NEW YORK RULE THAT WOULD BAN CONCORDE, ON THE GROUNDS NEW YORK COULD NOT NOW PRE-EMPT FEDERAL GOVERNMENT WHICH, IN COLEMAN DECISION, HAD AUTHORIZED CONCORDE TO BE USED TO SERVE JFK. HOWEVER, WE WERE TOLD, NO DECISION HAD YET BEEN TAKEN SINCE THIS WOULD OF COURSE DEPEND ON FINAL OUTCOME OF PROCEDURE WHICH NEW YORK LEGISLATURE HAD INITIATED.

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7. COMMT: GOF OBVIOUSLY HAS NO REASON BE PLEASED OVER NEW YORK DEVELOPMENTS, THOUGH FACT THAT GAINING APPROVAL OF LANDING RIGHTS AT JFK IS PROVING TO BE DIFFICULT CERTAINLY COMES AS NO SURPRISE TO THEM. CAVAILLE'S REACTION MAY IN FACT BE INTENDED PARTLY AS PRESSURE TACTIC, THOUGH PERHAPS IT IS NO MORE THAN ANOTHER OUTBURST OF THE FOOT IN MOUTH DISEASE WITH WHICH HE IS OCCASIONALLY AFFLICTED. HOWEVER, WE MUST CONFESS THAT HIS WAS NOT THE ONLY INITIAL ADVERSE REACTION; AFP HAS ALSO REPORTED A VIOOROUS PROTEST FROM A REO OF THE TOULOUSE-BASED COMMITTEE FOR DEFENSE OF CONCORDE, THE CGT SECTION AT AEROSPATIALE HAS BEEN MOVED TO ISSUE A PRESS COMMUNIQUE IN PROTEST, THE PRESIDENT OF THE "YOUNG GISCARDIAN" MOVEMENT HAS WRITTEN TO YOUNG REPUBLICANS AND DEMOCRATS IN NEW YORK ASKING THEM TO INTERVENE IN SUPPORT OF CONCORDE; AND TV COMMENTARY HAS URGED FRENCH TO TAKE ADVANTAGE OF FRANCO-AMERICAN BICENTENNIAL ACTIVITIES TO PROTEST NEW YORK ACTION. SUCH THIN-SKINNED REACTION IS PROBABLY ONLY NATURAL, WE SUPPOSE, REFLECTING A FEELING OF LET-DOWN AFTER THE EUPHORIA OF SORTS THAT WAS GENERATED IN FRANCE BY THE COLEMAN DECISION ONLY LITTLE MORE THAN TWO WEEKS AGO.  
RUSH

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## Message Attributes

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